



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Thomas J. SULESKI, et al.

Art Unit: 1756

Serial No. 09/994,867

Examiner: John A. McPherson

Filed: November 28, 2001

Confirmation No. 9802

For: TRANSFER OF OPTICAL ELEMENT PATTERNS ON A SAME SIDE  
OF A SUBSTRATE ALREADY HAVING A FEATURE THEREON

**INFORMATION DISCLOSURE STATEMENT**  
**UNDER 37 C.F.R. §1.56**

Commissioner for Patents  
Alexandria, VA 22313-1450

Sir:

Submitted herewith on Form PTO/SB/08 (or PTO-1449, *modified*) is a listing of a document(s) known to applicant in order to comply with applicant's duty of disclosure pursuant to 37 C.F.R. §1.56.

☒ A copy of each listed document is being submitted to comply with the provisions of 37 C.F.R. §§1.97 & 1.98. [Box checked if applicable.]

☐ A copy of each listed non-U.S. patent and/or patent publication and cited literature is being submitted to comply with the provisions of 37 C.F.R. §§1.97 & 1.98. Cited U.S. patents and patent publications are *not* attached in accordance with the waiver set forth in the Notice by the Deputy Commissioner for Patent Examination Policy dated July 11, 2003, applicable to applications having a U.S. filing date *after* June 30, 2003. [Box checked if applicable.]

\* \* \*

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application. Applicant does not waive any rights to take any action that would be appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* prior art reference against the claims of the present application.

09/15/2004 AADDF01 00000060 501364 09994867

01 FC:1806 180.00 DA

☐ The listed document(s) is/are being submitted in compliance with 37 C.F.R. 1.97(b)(3): submission before the mailing date of the first action on the merits. [Box checked if applicable.]

☒ The foregoing document(s) came to applicant's attention during the prosecution of their corresponding PCT application. ☒ A copy of the PCT Search Report is also attached. [Box(es) checked if applicable.]

#### CERTIFICATION

☐ The undersigned hereby certifies in accordance with 37 CFR §1.97(e)(1) that each item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application not more than three (3) months prior to the filing of this Statement. [Box checked if applicable.]

\* \* \*

Applicant respectfully requests that the listed document(s) be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO/SB/08 be returned in accordance with MPEP §609.

\* \* \*

#### FEE PAYMENT

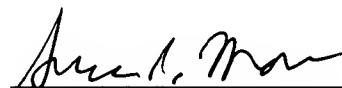
☒ The fee mandated by 37 C.F.R. §1.17(p) is believed applicable. [Box checked if applicable.]

☐ Attached is a check in payment of this fee (\$180.00). [Box checked if applicable.]

☒ This fee may be charged to Deposit Account No. 50-1364. (A duplicate copy of this paper is enclosed.) [Box checked if applicable.]

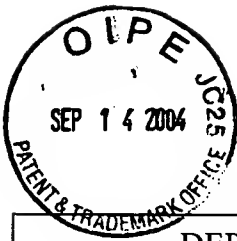
Respectfully submitted,

September 14, 2004  
Date



Susan S. Morse, Registration No. 35,292

LEE & STERBA, P.C.  
1101 WILSON BOULEVARD, SUITE 2000  
ARLINGTON, VA 22209  
703.525.0978 TEL  
703.525.4265 FAX



### DEPOSIT ACCOUNT CHARGE AUTHORIZATION

If fee payment is enclosed, this amount is believed to be correct. However, the Director is hereby authorized to charge any deficiency or credit any overpayment to Deposit Account No. 50-1364

Any additional fee(s) necessary to effect the proper and timely filing of the above-paper may also be charged to Deposit Account No. 50-1364.



Approved for use through 04/30/2003. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Substitute for form 1449/P

*(Use as many sheets as necessary)*

Sheet	1	of	2
-------	---	----	---

**Complete if Known**

Application Number	09/994,867
Filing Date	November 28, 2001
First Named Inventor	SULESKI
Art Unit	1756
Examiner Name	J. McPhearson
Attorney Docket Number	280/075

[illegible][illegible]

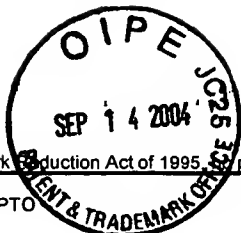
Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. <sup>2</sup> Applicant's unique citation designation number (optional). <sup>3</sup> See Kinds Codes of USPTO Patent Documents at [www.uspto.gov](http://www.uspto.gov) or MPEP 901.04. <sup>4</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>5</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>6</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>7</sup> Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

*If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.*



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449/PTO

**Complete if Known****INFORMATION DISCLOSURE  
STATEMENT BY APPLICANT**

(Use as many sheets as necessary)

Application Number 09/994,867

Filing Date November 28, 2001

First Named Inventor SULESKI

Art Unit 1756

Examiner Name J. McPherson

Sheet 2 of 2

Attorney Docket Number 280/075

**NON PATENT LITERATURE DOCUMENTS**

Examiner Initials*	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
	3.	Patent Abstracts of Japan, Vol. 011, No. 293 (P-619), 22 Sept. 1987, & JP 62 088149 A (Hitachi Ltd.)	
	4.	NUSSBAUM, et al., *, Proceedings of the SPIE, Vol. 3226, pp. 32-43, (1997)	
		*Entitled: "Refractive and diffractive elements for micro-optical systems"	
	5.	FERSTL, et al., **, Ann. Report 1998, Heinrich-Hertz-Institute fur Nachrichtentechnik, 109-112, 1999	
		** Entitled: "Commercial Fabrication of Micro-Structures and Micro-Optical Elements for Research..."	
	6.	STERN, ***, Microelectronic Engineering, Vol. 34, No. 3-4, pp. 299-319, (1 December 1997)	
		*** Entitled: "Pattern transfer for diffractive and refractive microoptics"	
	7.	MONTAMEDI, et al., ****, Opt.Eng. 36(5): 1282-1297 (May 1997)	
		****Entitled: "Micro-opto-electro-mechanical devices and on-chip optical processing"	
	8.	WU, et al, "Micromechanical Photonic Integrated...", IEICE Trans. Electron, Vol. E83C:903-911 6/2000	

Examiner  
SignatureDate  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

1 Applicant's unique citation designation number (optional). 2 Applicant is to place a check mark here if English language Translation is attached.

This collection of information is required by 37 CFR 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 120 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.